

1 McGREGOR W. SCOTT  
United States Attorney  
2 BOBBIE J. MONTOYA  
Assistant U. S. Attorney  
3 501 I Street, Suite 10-100  
Sacramento, California 95814-2322  
4 Telephone: (916) 554-2700

5 Attorneys for Defendant

6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE EASTERN DISTRICT OF CALIFORNIA

8 RUSSELL W. WESTFALL, JR.,

9 Plaintiff,

10 v.

11 JO ANNE B. BARNHART,  
12 Commissioner of  
Social Security,

13 Defendant.  
14

CASE NO. **2:05-CV-00180-DAD**

STIPULATION AND ORDER  
REMANDING THE CASE AND  
DIRECTING THE CLERK TO ENTER  
JUDGMENT

15 IT IS HEREBY STIPULATED by the parties, through their undersigned attorneys, and  
16 with the approval of the Court as provided below, that the Commissioner has agreed to a  
17 voluntary remand of this case pursuant to sentence four of 42 U.S.C. § 405(g) for further  
18 proceedings. The purpose of the remand is to offer Plaintiff a new administrative law judge  
19 (ALJ) hearing and decision. On remand, the ALJ will reevaluate the opinions of Drs. Bates and  
20 Kalman and further assess Plaintiff's residual functional capacity. In addition, the ALJ will be  
21 directed to obtain evidence from a medical expert regarding Plaintiff's mental limitations and, if  
22 necessary, supplemental evidence from a vocational expert.

23 It is further stipulated that the Clerk shall enter a separate judgment, as provided for under  
24 Rules 58 and 79(a) of the Federal Rules of Civil Procedure, pursuant to Shalala v. Schaefer, 509  
25 U.S. 292, 113 S. Ct. 2625 (1993).

26 The parties further stipulate that counsel for Plaintiff will provide a facsimile of this  
27 stipulation bearing counsel's signature for retention in Defendant's case file, and hereby

28 ///

authorizes counsel for Defendant to file this document in .pdf format under the latter's Electronic Case Filing password, pursuant to Local Rule 7-131.

DATED: January 3, 2006

/s/ Ann M. Cerney  
ANN M. CERNEY

Attorney for Plaintiff

DATED: January 3, 2006

McGREGOR W. SCOTT  
United States Attorney

By: /s/ Bobbie J. Montoya  
BOBBIE J. MONTÓYA  
Assistant U. S. Attorney

Attorneys for Defendant

OF COUNSEL:  
LUCILLE GONZALES MEIS  
Chief Counsel, Region IX  
KATHERINE R. LOO  
Assistant Regional Counsel  
United States Social Security Administration

o0o

**ORDER**

The case of Westfall v. Barnhart (Case No. 2:05-CV-00180-DAD) is hereby remanded pursuant to sentence four of 42 U.S.C. 405(g) for further proceedings consistent with the stipulation of the parties. The prior administrative decision is vacated and the Clerk of the Court is directed to enter Judgment.

DATED: January 5, 2006.

Dale A. Drozd  
DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

Ddad1/orders.socsec/westfall0180.stipord.remand